

REMARKS

Claims 2, 4-5, 7, and 9-12 remain in this application. Claims 1, 3, and 8 have been cancelled.

In order to emphasize the patentable distinctions of applicant's invention over the prior art, claim 2 has been amended to recite that said gripping portion is angulated with respect to said blade and said blade supporting portion when viewed from a side view in the plane defined by said blade. The amendments to claim 2 are clearly supported by the specification, as originally filed. Accordingly, no new matter has been added.

In order to overcome the present objection to the drawings along with the present 35 USC 112, second paragraph rejection, claim 4 has been amended to recite that the angulation ranges from about 100 degrees to about 170 degrees. Claim 5 has been amended to recite that the angulation ranges from about 135 degrees to about 150 degrees. The amendments to claims 4 and 5, respectively, are clearly supported by the specification, as originally filed, at page 14, lines 16-19; and Figs. 1-4. Accordingly, no new matter has been added.

Applicants' invention provides a utility knife for glaziers and SHEET ROCK (TM) dry wall workers having a two-part handle. The handle clamps a detachable reversible knife blade at a transverse angulated position with respect thereto. Vertical cuts can be made in tight corners without applying excessive force. The transversely angulated knife blade affords access, permitting vertical cuts in tight corners. During

cutting the user's hands are displaced from the cutting line, and kept from being inline with the cutting blades, thereby preventing injury.

Drawings

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims.

The Examiner has stated that the “transverse angulation from about 10 degrees to about 80 degrees”, of claim 4, and “transverse angulation from about 30 degrees to about 45 degrees”, of claim 5, must be shown or the features cancelled from the claims. In order to overcome this rejection, claim 4 has been amended to recite that the angulation ranges from about 100 degrees to about 170 degrees. Claim 5 has been amended to recite that the angulation ranges from about 135 degrees to about 150 degrees. It is submitted that the drawings show each of these features specified in present claims 4-5.

The Examiner has further stated that the Figures do not incorporate a structure that performs the exposing of a fresh edge. In order to overcome this rejection, claim 2 has been previously amended to strike the phrase “blade replacement means” and instead claims a cavity for holding extra knife blade elements, wherein a user may expose a fresh edge of said blade by either replacing said blade with a new blade from said cavity or by rotating said blade by 180 degrees to change handedness of said utility knife. It is submitted that the Figures clearly incorporate “a cavity for holding extra knife blade elements” at 19 shown in Figs. 1-3. In view of the previous amendments to claim 2, applicant submits that the objection to the drawings has been obviated.

Accordingly, reconsideration of the objection to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims is respectfully requested.

Specification

The specification has been objected to because of the improper formatting of the trademark “sheet rock”.

The Examiner has noted the use of the trademark “sheet rock” in this application. The Examiner has stated that this phrase should be capitalized wherever it appears and be accompanied by the generic terminology (dry wall). In order to overcome this objection, each occurrence of the phrase “sheet rock” in the specification has been replaced with the phrase “SHEET ROCK (TM) dry wall”. In particular, the amendments to the specification are described hereinabove at pages 5-6 of this paper. In view of the amendments to the specification, it is submitted that the trademark “sheet rock” is now set forth in its proper format.

Accordingly, reconsideration of the objection to the specification for the improper formatting of the trademark “sheet rock” is respectfully requested.

Claim Objections

Claim 2 has been objected to because of certain informalities.

Claim 2 has been amended in accordance with the Examiner’s suggested claim language. Namely, claim 2 has been amended to recite that said gripping portion is

angulated with respect to said blade and said blade supporting portion when viewed from a side view in the plane defined by said blade.

Accordingly, reconsideration of the objection to claim 2 because of certain informalities is respectfully requested.

Claim Rejections – 35 USC § 112

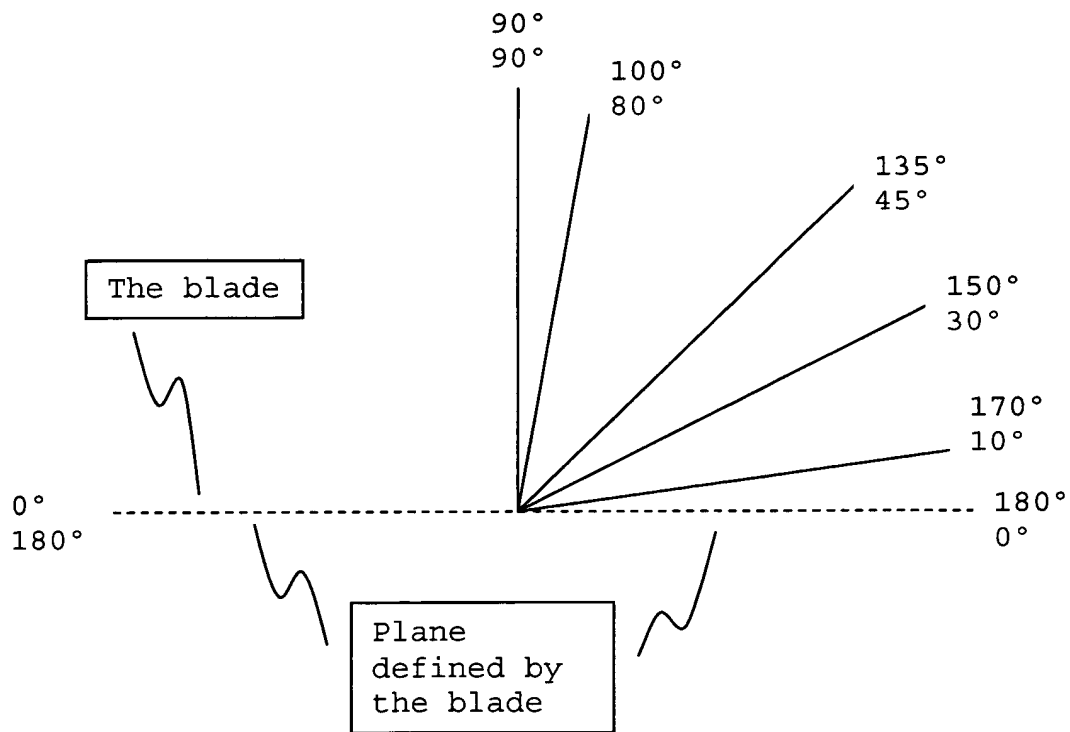
Claims 4 and 5 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

The Examiner has stated the following. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Claim 2 discloses that the blade is transversely angulated with respect to the gripping portion, therefore the transverse angulation must be the angle created between the blade and the gripping portion. Claims 4 and 5 disclose the angulation is about 10 degrees to about 80 degrees and from about 30 degrees to about 45 degrees, respectfully, but applicants' Figures clearly discloses the angle between the blade and the gripping portion as an angle much greater than 90 degrees. It is unclear how the transverse angulation can be an angle less than 90 degrees when the Figures clearly disclose a transverse angulation greater than 90 degrees.

The specification, as originally filed, at page 14, lines 16-19 reads: "As a consequence of the transverse angulation of its handle, the utility knife is especially convenient for use in window glazing applications, since the hand is not located in-line

with the blade. The transverse angulation may be in the range of 10 degrees to 80 degrees and more preferably between 30 to 45 degrees.”

A diagram depicting these angles is reflected below for the Examiner’s convenience:



It is submitted that depending on where the zero point is established for the plane defined by the blade, various angles can represent the same orientation of the angle between the blade portion and the handle portion of the utility knife, as defined by the present claims. For the sake of clarity, claim 4 has been amended to recite that the angulation ranges from about 100 degrees to about 170 degrees. Claim 5 has been

amended to recite that the angulation ranges from about 135 degrees to about 150 degrees. These angles correspond to a zero point being shown in green font in the diagram hereinabove. In view of the amendments to claims 4-5, applicants submit that the rejection under 35 USC 112, first paragraph, has been obviated

Accordingly, reconsideration of the rejection of claims 4-5 under 35 USC 112, first paragraph, as failing to comply with the written description requirement is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 2, 4, 5, 7, and 9-12 were rejected under 35 USC 103(a) as being unpatentable over Seltzer, Jr. (USP 5,174,028) in view of Joanis et al. (USP 3,845,554).

Seltzer, Jr. discloses a utility knife having a handle with two or more angular bends. The utility knife has a replaceable blade, which may be retractable, clamped in the nose of the knife handle. The knife handle is hollow and separable to accommodate the storage of spare blades in the handle. Most utility knives either have handles which are substantially straight or which have a single angular bend. These knives are more limited in their application or produce difficulty in cutting materials in an obstructed area. A knife having a handle with two or more bends enables the user to cut materials in close quarters or in obstructed areas with greater ease. Different handles provide greater reach or leverage under different circumstances. An alternative knife includes a handle with two or more angular bends, one of which is adjustable. This allows the user to select a configuration that offers optimum reach and leverage. A knife of this type is said to be

particularly useful in cutting around radiators, toilets, cabinets and appliances. Another alternative knife includes a handle with a nodule on the butt end opposite the blade end. This nodule is said to aid the grip by the user.

Joanis et al. disclose a flat sheet steel knife blade with three equidistantly spaced openings. Two of these openings permit the blade to be used in one, or a reversed position, in a holder made up of two separable mating parts. These handle parts need not be separated in order to remove the blade for reversing or replacement. A leaf spring mounted in the holder has projecting pins which are adapted to enter the two blade openings in the blade, said leaf spring being manually movable between a blade clamping and a blade release position.

The Examiner has stated that in regards to claim 2, Seltzer, Jr. discloses the same invention including a reversible detachable blade having a sharp edge (16), a two-piece handle (26a and 24a in Figure 4) for supporting the blade in a transversely angulated position (Figs. 2, 3, and 5), the handle comprising a one-piece left side member (26a) and a one-piece right side member (24a), wherein the left side member is removably attached to the right side member to create the handle (Fig. 4), the handle including a gripping portion (30a) and a blade supporting portion (28a), the blade being transversely angulated with respect to the gripping portion when viewed from a side view in the (plane) defined by the blade (Figs. 2, 3, and 5, each of these Figures show a side view and the blade is transversely angulated with respect to a gripping portion in each Figure). Applicants submit that particularly as amended, claim 2 patentably defines over Seltzer, Jr. in view of Joanis et al. Claim 2, as amended, calls for a utility knife wherein said gripping

portion is angulated with respect to said blade and said blade supporting portion *when viewed from a side view in the plane defined by said blade.* Applicants have recited the advantages of having a knife blade that is angulated in such a manner in the specification as originally filed. Page 14, line 16 to page 15, line 2, of applicants' specification states, for example: "As a consequence of the transverse angulation of its handle, the utility knife is especially convenient for use in window glazing applications, since the hand is not located in-line with the blade. The transverse angulation may be in the range of 10 degrees to 80 degrees and more preferably between 30 to 45 degrees. The knife no longer needs to be angled in making cuts in tight corners and cuts, which is essentially perpendicular to the surface can be easily made since the size of the hand is accommodated by the transverse angulation of the handle. The utility knife can be used in right angle applications such as scoring of linoleum or sheet rock in tight places, such as corners and the like. Previous utility knives have been stubby and straight. These prior art configurations prevented facile operation of the knife, owing, in part, to interference from the operator's hands".

By way of comparison, Seltzer, Jr. in view of Joanis et al. discloses a utility knife wherein the blade is in the same plane as the gripping portion *when viewed from a side view in the plane defined by the blade.* See Seltzer, Jr. at Figs. 1-7; especially at Figs. 4 and 7. Clearly, the utility knife disclosed by Seltzer, Jr. in view of Joanis et al. does not allow use of such a knife in window glazing and/or SHEET ROCK (TM) dry wall applications where it is essential to have the blade angled with respect to the gripping portion when viewed from a

side view in the plane defined by the blade. Specifically, the flat knife handle/gripping portion/ blade element construction disclosed by Seltzer, Jr. in view of Joanis et al. would likely (i) cause injury to the hand of the user, and (ii) inhibit access to tight corners and the like.

It is submitted that Figs. 2, 3, and 5 of Seltzer, Jr. do not show a side view in the plane defined by the blade wherein the gripping portion is angulated with respect to the blade and the blade supporting portion ***when viewed from a side view in the plane defined by the blade.*** It is submitted that Figs. 2, 3, and 5 of Seltzer, Jr. depict a view that is not from a vantage point in the plane defined by the blade. The Examiner has stated that Figs. 2, 3, and 5 of Seltzer, Jr. depict a side view – however, it is respectfully submitted that the Examiner has not followed the claim language of present claim 2, which calls for the condition of the blade and gripping portion to be assessed “when viewed from a side view ***in the plane defined by the blade.***” Clearly, Figs. 2, 3, and 5 of Seltzer, Jr. do not depict such a view of the knife.

Accordingly, Seltzer, Jr. in view of Joanis et al. does not teach each and every element of claim 2, as amended. Therefore, it is submitted that present claim 2 patentably defines over Seltzer, Jr. in view of Joanis et al.

Regarding claims 4, 5, 7, and 9-12, these claims are directed to preferred embodiments of the invention recited by claim 2, as amended. Each of claims 4, 5, 7, and 9-12 depends from present claim 2, which applicant believes to be patentable over Seltzer, Jr. in view of Joanis et al. for the aforesaid reasons. Accordingly, it is

respectfully submitted that claims 4, 5, 7, and 9-12 are patentable over Seltzer, Jr. in view of Joanis et al. by definition for the same reasons.

In contrast to the teachings of the cited references, taken alone or in combination, applicants have discovered that having the gripping portion angulated with respect to the blade and the blade supporting portion *when viewed from a side view in the plane defined by the blade* produces a unique utility knife construction which, advantageously, provides easy and safe access to tight corners while installing window glazing and/or SHEET ROCK (TM) dry wall. When compared to any utility knife constructed from the combined teachings of the cited references, the utility knife called for by applicants' present claims 2, 4, 5, 7, and 9-12 provides enhanced leverage, access, and visibility, and clearly provides a higher margin of safety for users while working in tight environments.

Accordingly, reconsideration of the rejection of claims 2, 4-5, 7, and 9-12 under 35 USC §103(a) as being unpatentable over Seltzer, Jr. in view of Joanis et al. is respectfully requested.

Conclusion

In view of the amendments to the claims and the specification, and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. Entry of this amendment, reconsideration of the rejection of claims 2, 4-5, 7, and 9-12, as amended, and their allowance are earnestly solicited.

Respectfully submitted,
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